

2142. Misbranding of Singer's Earth Crust Minerals. U. S. v. E. Albert Singer (Chain of Lakes Duck Farm). Plea of nolo contendere. Fine, \$60. (F. D. C. No. 17773. Sample Nos. 8446-F, 59901-F, 23601-H.)

INFORMATION FILED: March 27, 1946, Northern District of Illinois, against E. Albert Singer, trading as Chain of Lakes Duck Farm, Barrington, Ill.

ALLEGED SHIPMENT: From the State of Illinois into the States of Wisconsin, Indiana, and Texas. The product was shipped on or about November 12, 1943, and February 18 and October 17, 1944, and was accompanied by a number of display placards which were shipped with the product, and by a number of circulars which were shipped on or about December 28, 1943, and during the early part of March 1944. The placards were entitled "Livestock and Poultry Raisers," and the circulars were entitled "Singer's Earth Crust Minerals" and "All Livestock, Fowl and Plant Life Must Have Minerals." The product was a mixture of dirt dug from the defendant's farm, mixed with calcium carbonate, salt, and rock phosphate.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Phosphorus (P) not less than 10 Per Cent * * * Calcium (Ca) not less than 20 Per Cent" were false and misleading since 2 shipments of the article contained materially less than 10 percent of phosphorus and materially less than 20 percent of calcium. Further misbranding, Section 502 (a), the label statement "Keep Live Stock and Poultry Healthy" and certain statements appearing in the circulars and placards accompanying the article were false and misleading. These statements represented, suggested, and created the impression that the article would be effective in keeping livestock and poultry healthy; that it would prevent poor digestion, loss of appetite, run-down condition, and diseases in general; that it would be effective in removing any species of worms from the intestines of livestock and poultry; that it would lower mortality and prevent the disease condition of poultry known as range paralysis; and that use of the article would save feeding costs. The article would not be effective for the purposes stated.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: June 11, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$10 on each of the 6 counts.

2143. Misbranding of Wormine. U. S. v. Dr. Fenton's Vigortone Co. Plea of guilty. Fine, \$200. (F. D. C. No. 14268. Sample No. 40661-F.)

INFORMATION FILED: August 22, 1945, Northern District of Iowa, against Dr. Fenton's Vigortone Co., a partnership, Cedar Rapids, Iowa.

ALLEGED SHIPMENT: On or about August 25, 1943, from the State of Iowa into the State of Minnesota.

PRODUCT: Analysis of a sample of the *Wormine* showed that it consisted essentially of linseed meal, not over 1.9 percent of santonin, areca nut, and other plant materials, including tobacco (nicotine, 0.15 per cent), kamala, and anise.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label were false and misleading since they represented, suggested, and implied that the article, when used alone or in combination with other products, i. e., "Health Pep" and "Moregg," and administered in compliance with specific directions, would be efficacious in the cure, mitigation, treatment, prevention, and removal of worms in poultry, and would increase the health, vigor, and tone of the system; and that, after the *Wormine* or combination of *Wormine* and other products had cured worm conditions and had removed worms from poultry, the continued use of "Health Pep" and "Moregg" would prevent worms in poultry and would result in the production of more eggs. The *Wormine*, and other products, when used as so recommended, would not accomplish the results claimed.

The information consisted of 3 counts. The first count charged violation under the provisions of the law applicable to drugs, as reported herein. The remaining counts charged adulteration of products known as "Moregg" and "Dr. Fenton's Vigortone No. 5½" under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 6, 1946. A plea of guilty having been entered, the court imposed a fine of \$200, plus costs, on each count of the information.